IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

Con.Case(C).No. 1581 of 2007(S)

PETITIONER/PETITIONER:

ABDUL RAHMAN B.A., AGED 50 YEARS,
SANA TOWERS, DEVAGIRI,
MEDICAL COLLEGE P.O., KOZHIKODE.

BY ADV. SRI.S.VIDYASAGAR

RESPONDENT/RESPONDENT:

P.M.BABU, AGE AND FATHER'S NAME
NOT KNOWN TO THE PETITIONER,
TAHSILDAR, TALUK OFFICE,
KOZHIKODE.

BY GOVERNMENT PLEADER SRI.K.P.PRADEEP

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 19/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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C.O.C. No.1581 of 2007

.....

Dated this the 19th day of November, 2007.

JUDGMENT

The contempt case is filed stating that judgment is not complied with by the Tahsildar. Government Pleader has filed a statement stating that petitioner is given detailed statement of balance liability. So far as instalment facility granted by the Government is concerned, the said Government order cannot be enforced because petitioner had availed previous instalment facility and defaulted payment. The later order makes it clear that the order need be followed only if no instalment facility was granted earlier. Counsel for the petitioner however stated that the adjustment of interest is not in accordance with the statutory provisions. If interest charged is wrong, petitioner can request for rectification of adjustment and if application is filed, there will be direction to the Tahsildar to verify statutory provisions and charge interest only for the period of default. The decision of the Tahsildar not to grant instalment facility once again is upheld because Government Order itself is conditional. Contempt case is therefore closed. However, Tahsildar should issue order on petitioner's application for rectification with regard to interest. If petitioner

has grievance, petitioner can challenge the said order in fresh proceedings. Since instalment facility is not granted, petitioner is granted time till 31.1.2008 to make payment, failing which full amount will be recovered through revenue recovery proceedings.

C.N.RAMACHANDRAN NAIR
Judge

pms